

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SERGEY FIRSOV,
Plaintiff,

v.

JETBLUE AIRWAYS CORPORATION,
Defendant.

Case No. [25-cv-03387-TSH](#)

**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION
OF ORDER DENYING APPLICATION
TO PROCEED IN FORMA PAUPERIS**

Re: Dkt. No. 13

In this civil case, Plaintiff Sergey Firsov moved for permission to proceed “in forma pauperis” under 28 U.S.C. § 1915(a)(1) without prepayment of court filing fees. ECF No. 2. On April 18, 2025, the Court denied Plaintiff’s motion and required him to pay the filing fees by May 6, 2025, or risk dismissal of his case. ECF No. 6. After Plaintiff failed to pay the filing fee, the Court ordered him to show cause why this case should not be dismissed for failure to prosecute and failure to comply with court deadlines. ECF No. 11. The Court informed Plaintiff that if he wishes to attempt to proceed with this action, he must either respond to the show cause order or pay the \$405.00 filing fee by May 22, 2025. Plaintiff now moves for reconsideration of the order denying his application. ECF No. 13.

Under Civil Local Rule 7-9(a), a motion for reconsideration may be granted before entry of judgment adjudicating all of the claims and rights and liabilities of all the parties in a case. Civ. L.R. 7-9(a). A motion for reconsideration may be made on three grounds: (1) a material difference in fact or law exists from that which was presented to the court, which, in the exercise of reasonable diligence, the moving party did not know at the time of the order for which reconsideration is sought; (2) the emergence of new material facts or a change of law; or (3) a manifest failure by the court to consider material facts or dispositive legal arguments. Civ. L.R. 7-9(b). Motions for reconsideration are disfavored and “should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence,

committed clear error, or if there is an intervening change in the controlling law.” *McDowell v. Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999) (per curiam) (internal quotation and citation omitted). Furthermore, “[a] motion for reconsideration ‘may not be used to raise arguments or present evidence for the first time when they could reasonably have been raised earlier in the litigation.’” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009) (quoting *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000)).

In his motion, Plaintiff states the Santa Clara County Department of Child Support Services has charged his employment account \$4,000 per month. Mot. at 1. However, Plaintiff has shown that he is employed and earns approximately \$132,000 per year gross salary. ECF No. 2. In other cases he has recently filed in this District, *see* Mot. at 1 (“Plaintiff has more 11 [sic] federal cases”), Plaintiff has also shown that his wife earns additional income and that he recently has paid to fly internationally on multiple flights involving himself, his family, and his dogs. *See, e.g., Firsov v. Alaska Airlines, Inc.*, Case No. 25-cv-2841 NC, ECF No. 15 (denying motion for reconsideration of order denying in forma pauperis application after conducting evidentiary hearing); *Firsov v. Frontier Airlines*, Case No. 25-cv-2898 SVK, ECF No. 5 (4/3/25 denial of IFP application); *Firsov v. Scandanavian Airlines of N. Am.*, Case No. 25-cv-3691 KAW, ECF No. 6 (5/2/25 denial of IFP application); *Firsov v. Austrian Airlines*, Case No. 25-cv-3504 NC, ECF No. 9 (4/28/25 denial of IFP application); *Firsov v. Air Canada, Inc.*, Case No. 25-cv-4058 LJC, ECF No. 4 (in forma pauperis application stating Firsov grosses \$10,400 and his wife grosses \$1,000 per month). Accordingly, the Court finds Plaintiff fails to satisfy any of the grounds for reconsideration under Local Rule 7-9, and his motion is therefore **DENIED**.

In the interest of justice, the Court hereby extends the deadline for Firsov to pay the filing fee to June 5, 2025. ECF 11. If he does not pay the filing fee, the Court will recommend the dismissal of his case without prejudice.

IT IS SO ORDERED.

Dated: May 19, 2025


THOMAS S. HIXSON
United States Magistrate Judge